

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 11,680

IN THE MATTER OF:

Served November 12, 2008

Formal Complaint of EXECUTIVE
TECHNOLOGY SOLUTIONS, LLC, WMATC
NO. 985, Against VICAR LIMOUSINE
SERVICE, INC., WMATC NO. 357

Case No. FC-2007-03

On November 8, 2007, Executive Technology Solutions, LLC, WMATC Carrier No. 985, (ETS) filed a formal complaint against Vicar Limousine Service, Inc., WMATC Carrier No. 357 (Vicar).

The complaint alleges that Vicar leased eight vehicles from Transcom, Inc., WMATC No. 582 (Transcom), beginning in 2006 in connection with a subcontract requiring Vicar to perform Transcom's contract with the U.S. Bureau of Immigration and Customs Enforcement. The complaint further alleges that: "Vicar failed to include the referenced leased vehicles in their 2007 Annual report, in accordance with Rule § 60-01." The complaint also alleges: "As of November 5, 2007, Vicar failed to submit a copy of the Lease Agreement to the Commission in accordance with § Rule 62." The complaint additionally alleges that Vicar acted "knowingly" in its failure to comply with the Commission's annual report and vehicle lease regulations. The complaint requests that the Commission assess a civil forfeiture and place Vicar on probation for one year.

In accordance with Commission Rule No. 5-01, a copy of ETS's complaint was served by the Commission's Executive Director upon Vicar on November 21, 2007. The U.S. Postal Service confirmed delivery.

Under Commission Rule No. 12, Vicar was required to answer the complaint within 15 days of service. Vicar has yet to file an answer. The allegations in the complaint are consequently deemed admitted pursuant to Rule No. 12-02.

A person who knowingly and willfully violates a provision of the Compact, or a rule, regulation, requirement, or order issued under it, or a term or condition of a certificate shall be subject to a civil forfeiture of not more than \$1,000 for the first violation and not more than \$5,000 for any subsequent violation.!

The term "knowingly" means with perception of the underlying facts, not that such facts establish a violation.² The terms "willful"

¹ Compact, tit. II, art. XIII, § 6 (f).

² *In re Heaven on Wheels LLC*, No. fIP-07-238, Order No. 11,641 (Oct. 24, 2008).

and "willfully" do not mean with evil purpose or criminal intent; rather, they describe conduct marked by intentional or careless disregard or plain indifference.³

On the basis of the knowing violations deemed admitted, we shall assess a forfeiture of \$250 for the violation of Regulation No. 60-01⁴ and a forfeiture of \$250 for the violation of Regulation No. 62-02.⁵

We shall not, however, assess a period of probation. These violations appear isolated, and there is no allegation in the complaint of aggravating factors, such as the risk of public exposure to unsafe or uninsured operations.⁶

THEREFORE, IT IS ORDERED:

1. That pursuant to Article XIII, Section 6(f), of the Compact, the Commission hereby assesses a civil forfeiture against Vicar Limousine Service, Inc., in the amount of \$500 for knowingly and willfully violating Regulation Nos. 60-01 and 62-02.

2. That Vicar Limousine Service, Inc., is hereby directed to pay to the Commission within thirty days of the date of this order, by money order, certified check, or cashier's check, the sum of five hundred dollars (\$500).

BY DIRECTION OF THE COMMISSION; COMMISSIONERS YATES AND CHRISTIE:



William S. Morrow, Jr.
Executive Director

³ *Id.*

⁴ See *In re Executive Coach, Ltd., & Executive Sedan Mgmt. Servs., Inc., tla Washington Car & Driver*, No. AP-02-75, Order No. 6797 (Sept. 3, 2002) (assessing forfeiture for filing false annual report).

⁵ See *In re Metro Health-Tech Servs. Inc.*, No. MP-03-66, Order No. 7622 (Dec. 18, 2003) (assessing forfeiture in part for failing to file vehicle lease); *In re Gold Line, Inc.*, No. MP-03-79, Order No. 7421 (Sept. 24, 2003) (same); *In re VOCA Corp. of Wash., D.C.*, No. MP-02-30, Order No. 7258 (June 20, 2003) (same); *In re William E. Gillison, tla Quiana Tours, Quiana Tours, Inc., & Baron Transp., Inc.*, No. MP-02-97, Order No. 7066 (Mar. 4, 2003) (same); *In re SMA Transp. Servo Inc.*, No. MP-02-52, Order No. 6885 (Oct. 30, 2002) (same).

⁶ Although the Commission directed Vicar in an earlier proceeding to cease operating Transcom's vehicles for failure to report those vehicles to Vicar's insurance company, *Vicar L'itro*, No. 11,040 (Dec. 27, 2007), the WMAT Endorsement on file for Vicar at that time expressly covered any vehicle operated by Vicar under Certificate No. 357, "whether or not such motor vehicle is described in the Policy."